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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/670,109	09/24/2003	Thomas M. Kollars JR.	M1077.70003US00	7166	
7590 06/22/2004			EXAM	EXAMINER	
David Wolf			ARK, DARREN W		
Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue			ART UNIT	PAPER NUMBER	
Boston, MA 02210			3643		
			DATE MAILED: 06/22/200	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

## COLLARS ET AL Sammer	•	Application No.	Applicant(s)				
Darren W. Ark Set		10/670,109	KOLLARS ET AL.				
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eathermator for inem pite a variable under the provisions of 3 CFR 1.136(a). In an event, however, may a reply be timely titled 1 the period for reply repedied above is less than thely (D) dary, a reply within the stated or reply varietied for reply varietied above is less than thely (D) dary, a reply within the stated or reply varietied and reply in the stated and reply in specified above. The manifest datively replied vall again and valled grade of the state of the communication of 1 the period for reply varietied and reply in the period for the policy replied and or reply varieties and reply in specified above. The manifest dation of the communication of 1 this period for reply varieties and period to reply with the state and period the replied (and of the communication to become ABANCHED (30 U.S.C. § 13). 1 Hospital patient term adjustment. See 37 CPR 1.794(b). 1 Period for the communication (s) filled on	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elements of them may be evaluable under the provisions of 37 CFR 1.05(a), in no event, however, may a reply be timely filed. Elements of them may be evaluable under the provisions of 37 CFR 1.05(b), in no event, however, may a reply be timely filed. Elements of them may be evaluable under the provisions of 37 CFR 1.05(b), in no event, however, may a reply be timely filed. Elements of reply is apposed to be seen the mine them them the man and the provision of the provision of them to reply specified down is lost than them. If the period for reply is apposed above, the maximum datalety preject will apply and will expire \$1 K(s) MONTHS from the maining of the provision of them them them them them them them them		Darren W. Ark	3643				
THE MAILING DATE OF THIS COMMUNICATION. E blansions of time may be a validable under the provisions of 3 CPR 1.15(p.). In no event, however, may a reply be linely filed after SX (6) MONTHS from the mailing date of this communication. I have been started to the provision of the communication of the communication. Per large to reply validable the start base these mainly adult on profit of the pays and volled reply of the communication. Any reply covered by the Official or the than these mainly adult on the three maining date of this communication, even if timely filed, may reduce any overdeep breat term adjustment. See 97 GPR 1.764(b). Status 1) Responsive to communication(s) filed on	• •	ears on the cover sheet with	h the correspondence address				
1) Responsive to communication(s) filed on	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period with Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing 	36(a). In no event, however, may a rep within the statutory minimum of thirty vill apply and will expire SIX (6) MONT cause the application to become ABA	oly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status						
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Al) Claim(s) 1-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) 1-24 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) objected to process that the application (PTO-152)	,— ,,	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
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4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 77) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to lower election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Portsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152)	Disposition of Claims						
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Application/Control Number: 10/670,109

Art Unit: 3643

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11 and 14-24, drawn to a method of disposing insects and arthropods and an insect/arthropod trap, classified in class 43, subclass 114.
 - II. Claims 12 and 13, drawn to a composition for continuous emission of CO₂ comprising a cake or container of sodium bicarbonate, classified in class 424, subclass 84.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because carbon dioxide could be produced by a fermentation process or an acid could be reacted with another alkali salt instead of sodium bicarbonate to produce carbon dioxide. The subcombination has separate utility such as deodorizing a refrigerator or to be used in baking or as a reactant in other chemical reactions.

Application/Control Number: 10/670,109

Art Unit: 3643

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. If applicant elects Group I, then this application contains claims directed to the following patentably distinct species of the claimed invention: Species I Figs. 1, 2; Species II Figs. 3, 4; Species III Figs. 5-8; and Species IV Fig. 9.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-9, 14-16, 19-21, and 24 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include

Application/Control Number: 10/670,109

Art Unit: 3643

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Darren W. Ark Primary Examiner Art Unit 3643

DWA